

U.S. Senate
Republican Policy
Committee

Larry E. Craig, Chairman
Jade West, Staff Director

Legislative Notice

Editor, Judy Gorman Prinkey

No. 17

May 22, 1997

S. 610 – The Chemical Weapons Implementation Act of 1997

Unanimously reported from the Committee on the Judiciary on May 22, 1997, with an amendment in the nature of a substitute.

NOTEWORTHY

- The Senate likely will consider S. 610, the CWC Implementation Act of 1997, on Friday, May 23, 1997. A U.C. entered into on April 17, 1997, provides that S. 610 will be considered under a two-hour time agreement, with two amendments relevant to the legislation in order. It is uncertain whether there will be a roll call vote on S. 610.
- S. 610 was originally introduced by Senator Lugar (for himself and at the request of the Clinton Administration) on April 17, 1997. During markup by the Judiciary Committee, a Committee substitute was offered to S. 610. The substitute has bipartisan support and was accepted unanimously. While the U.C. provides for two relevant amendments, it is unlikely any will be offered.
- S. 610, as reported, faithfully implements the CWC and provides protections to ensure that implementation of the CWC does not abridge the rights guaranteed by the Fourth and Fifth Amendments of the U.S. Constitution. Regarding the Fourth Amendment, the Committee-supported bill adds specific warrant procedures for inspections. Routine inspections require an administrative warrant and an affidavit stating the specific purpose of the inspection, while the warrant for challenge inspections must be based on a showing of probable cause and must describe the place to be searched and the person or things to be seized. The bill also protects Fifth Amendment rights by providing effective remedies for "takings" of confidential business information or trade secrets resulting from CWC implementation.
- The bipartisan bill also designates the State Department as the U.S. National Authority to be the liaison between the Organization for the Prohibition of Chemical Weapons, the organization established by the CWC to implement the Treaty, and other states parties. It also provides that no person may be required to waive their constitutional rights as a condition for entering into a contract with or receiving a benefit from the United States.

BACKGROUND

The CWC prohibits the use, development, production, stockpiling and retention of chemical weapons, and was ratified by the U.S. Senate on April 24, 1997. While the CWC is an international treaty, some of its provisions require implementing legislation to give them effect in the United States.

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